CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 19, 2011

INVOCATION:
Pastor Paul Berry of Calvary Chapel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Boysen led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Division Chief Orr, Police Chief Macagni, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Community Development Appel, Director of Administrative Services Visé, Director of Recreation and Parks Posada, Planner III Halvorson, Acting City Librarian Corbett, Permit Processing Supervisor Haifi-Madrigal, and Chief Deputy City Clerk Perez.

RESOLUTION NO. 2011-32
Mayor Lavagnino read Resolution No. 2011-32 recognizing and commending Dennis Baker, Account Clerk-Scale House in the Utilities Department, for over 10 years of dedicated service to the City of Santa Maria and congratulating him on his retirement.

Resolution No. 2011-32 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Cordero, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2011-32 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA COMMENDING DENNIS BAKER.

VOLUNTEER OF THE MONTH
Councilmember Patino presented a gift to Ernie Maldonado, the Recreation and Parks Volunteer of the Month for April 2011, for his dedication and commitment to the Recreation and Parks Tee Ball Program for the past two years.

PUBLIC COMMENT
Leonard Lee Leornas spoke about a manufacturing place next door to him with heavy machinery operating at all hours of the day and night right next to his bedroom in a residential area. He was told by the City that it was grandfathered in, and there was nothing that could be done. He asked the Council for assistance.

Mickey Freeman spoke regarding the new green waste program. She said she lived in a condominium project that already had a gardener who disposed of their green waste, and the costs were already included in their Association dues. She did not think it was fair that they should have to pay for the City's green waste program.

Sister Janet Corcoran thanked the Council for establishing a green waste program. She thanked the Fire Department for instituting the Safely Surrendered Baby Program. She

commended Fire Division Chief Dan Orr for his professionalism during an inspection at Marian Medical Center. She announced that this Friday, April 22, 2011, would be the 41st Earth Day. She read an article entitled "The Green Thing Back Then".

CONSENT CALENDAR
Mayor Lavagnino pulled Item 3F for comment. Councilmember Boysen requested Item 3C be pulled for comment.

Item 3C – Agreement with Santa Barbara County for Animal Control Services
Councilmember Boysen stated he had received several constituent inquiries regarding the Animal Control Department's door-to-door canvassing to check on licensing. He was assured by Assistant City Manager Haydon that it was a volunteer program; but he heard on the news that 2,500 citations for unlicensed dogs had been issued. He asked how much it would cost for someone to come into compliance.

Jan Glick, Director of County Animal Services, stated they were conducting their door-to-door dog license canvassing program throughout the County. What they were finding was that some people did not realize that any dog over four months was required to be rabies vaccinated and licensed in the State of California as well as the County of Santa Barbara. It was an outreach program to try to bring more dogs and dog owners into compliance. They were not issuing citations as part of the canvassing. It was an education program. Owners could purchase the license for their dogs on the spot, if they had proof of a rabies vaccination. The canvass was part of the Project Pet Safe. She did not know where the mis-information on the citations was coming from. However, they were keeping track of the number of unlicensed dogs. She said veterinarians offered rabies vaccinations, there were low-cost clinics throughout the County, and the Department also offered rabies vaccination at their Santa Maria Center every Wednesday for $6.00. If the dog was spayed or neutered, the annual license fee was $20. If it was unaltered, the annual license fee was $60.

Item 3F – Safely Surrendered Baby Program
Mayor Lavagnino stated he was fully supportive of the program and asked if the Fire Department was going to do a press release to get the information out to the community. He commended the Fire Department for stepping forward on this.

Fire Division Chief Orr said they would be doing press releases.

Councilmember Patino stated the resolution the Council would be voting on would designate all Santa Maria Fire Stations as surrender locations for babies under 72 hours of age. She read a portion of the Agenda Report on what the program entailed.

Councilmember Cordero asked if this program would be addressed in the Listos Spanish Language Emergency Preparedness Classes as well.

Division Chief Orr stated it would be mentioned during those training sessions.

Councilmember Orach indicated he would need to abstain from voting on Item 3D, Warrants, due to a conflict of interest.

Consent Calendar Items 3A through 3I were approved on motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach (except Item 3D), Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Orach (Item 3D only)

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 5, 2011, were approved as submitted.

C. ANIMAL CONTROL CONTRACT
Resolution No. 2011-33 was adopted approving an agreement with Santa Barbara County for animal control services in the amount of $518,830 for 2011-12.

Resolution No. 2011-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE COUNTY OF SANTA BARBARA FOR ANIMAL CONTROL SERVICES.

D. WARRANTS
Warrant Nos. 165308 to 165547 totaling $2,451,441.90 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 158528, 164305, 165120, 165274, 165439, and 165450 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. SAFELY SURRENDERED BABY PROGRAM
Resolution No. 2011-34 was adopted authorizing the establishment of a Safely Surrendered Baby Program and designating Santa Maria Fire Stations as safe surrender sites pursuant to the California Safely Surrendered Baby Law (SB 1368).

Resolution No. 2011-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING ESTABLISHMENT OF A SAFELY SURRENDERED BABY PROGRAM AND DESIGNATING SANTA MARIA FIRE STATIONS AS SAFE SURRENDER SITES.

G. NOTICE OF COMPLETION
The City Council approved a Notice of Contract Completion for Federal Stimulus Concrete Improvements #1, Bid No. 2010/06, and directed the Chief Deputy City Clerk to record the Notice.

H. ANNEXING AND ASSESSING PROPERTIES
Resolution Nos. 2011-35, 36, and 37 were adopted annexing and assessing four parcels into the Southwest, Northeast and Northwest Landscape and Lighting Districts.

Resolution No. 2011-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO COLE ENTERPRISES, LLC AND SANTA MARIA TIRE LOCATED IN THE SOUTHWEST LANDSCAPE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2011-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SANTA MARIA CANCER CENTER LOCATED IN THE NORTHEAST LANDSCAPE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2011-37 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SEAFOOD EXPRESS LOCATED IN THE NORTHWEST LANDSCAPE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

I. ORDINANCE NO. 2011-03

The City Council conducted the second reading by title only of Ordinance No. 2011-03 implementing a residential curbside green waste recycling program and solid waste rate increases, and adopted the ordinance.

Ordinance No. 2011-03 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RELATING TO THE IMPLEMENTATION OF A RESIDENTIAL CURBSIDE GREEN WASTE RECYCLING PROGRAM AND FIVE-PERCENT ANNUAL SOLID WASTE COLLECTION INCREASES EACH JANUARY 1ST FOR 2012, 2013, AND 2014.

2011 ANNUAL WEED ABATEMENT PROGRAM.

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to conduct a public hearing to hear protests against the abatement of public nuisances such as noxious and dangerous weeds, rubbish, refuse, and dirt; and if no majority protest exists, authorize the Director of Public Works to perform abatement of the nuisances from public and unimproved private lots. The 2011 Weed Abatement Program began with Streets and Facilities staff mailing abatement letters to the owners of 157 properties. The purpose of the abatement letter is to make certain that property owners are aware that property they own requires appropriate maintenance. If the property owner fails to abate the nuisances, the City's contractor will complete the abatement and the owners will be billed on their property tax bill. Owners of undeveloped lots who are not successfully notified through the mailing process will have their lots posted. Staff will post developed lots only at the request of the City's Code Compliance Office or the Fire Department.

Mayor Lavagnino opened the Public Hearing. Hearing no requests to speak, Mayor Lavagnino closed the Public Hearing.

Councilmember Patino asked how the lots were identified. She said she wished the City could do it for improved lots as well.

Director Whitehead indicated that City staff surveyed the entire City. Staff knew where to look because it was done every year.

Resolution No. 2011-38 was adopted overruling objections and ordering abatement of the properties on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2011-38 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

DOWNTOWN SPECIFIC PLAN DEVELOPMENT REVIEW PERMIT FOR THE TESORO EVENT FACILITY, 506 SOUTH BROADWAY.

Director of Community Development Appel gave a brief overview of the Downtown Specific Plan history and requirements. During the discussion of the Downtown Specific Plan, the City Council requested it be the final decision maker for projects over 5,000 square feet for both new development and reuse of existing buildings. He asked Council to let staff know if it still wanted to have the final say on these types of projects or would rather allow the Planning Commission or staff to act on them which would save time and money for the applicants.

Planner III Halverson gave the staff report. The City Council will consider a recommendation from the Planning Commission regarding a Downtown Specific Plan Development Review Conditional Use Permit to allow an existing 6,700 square foot building to serve as an event facility with a full commercial kitchen available to caterers, a dining/entertainment area, and a full bar. When the facility is not rented,

entertainment events could be held at the facility and may include live bands, comedy shows, and talent nights. The facility would be open for general restaurant and bar services prior to entertainment events. Food and bar service will be required for all entertainment events, and the kitchen would remain open and serve a limited food menu for the duration of any private event. Alcoholic beverages would be served on the premises, but no outside alcoholic beverages would be allowed. The applicant would be required to provide security in accordance with the Police Department special conditions of approval.

On March 16, 2011, the Planning Commission reviewed the applicant's request. At the hearing, the Planning Commission discussed the requirement in the Downtown Specific Plan related to mechanical equipment screening which is required under Area-side Design Guidelines. During the meeting, staff presented a revised condition of approval that would require the applicant to construct screening along the south building elevation. Staff had inspected the building and consulted with the Building Division prior to the meeting in order to address concerns expressed by the applicant regarding the cost and feasibility of the screening. The applicant had estimated that screening would cost $50,000-$80,000. The solution staff proposed, which would cost less than $1,000, addresses the applicant's concerns. Following the Planning Commission discussion, the Commission voted 3-0-1-1, with Commissioner Lopez abstaining and Commissioner Moats absent, to recommend that the City Council approve the project with a revised condition regarding screening the mechanical equipment along the south building elevation.

Councilmember Boysen asked what the square footage of the top floor of the building was, how much the permit cost the applicant, and how long it took for this application to go before the Planning Commission and City Council.

Planner III Halverson stated he thought it was about 5,200 square feet. The building also had a basement of about 1,000 square feet. He said the Department charged a minor Planned Development fee of $2,774. They waived the engineering fee because the Engineering Division did not need to review the proposal. For this project, it probably added one month to go to the City Council. He said it was a very small project that did not take much review and was processed quickly.

Mayor Lavagnino stated he could be convinced to give up City Council review if there were sufficient safeguards in place. He asked what the Council's rationale was for including Council review.

City Manager Ness stated this issue came up as part of the approval of the Downtown Specific Plan. It was fully discussed. It was staff's recommendation to not over burden the applicant by having to go to the Planning Commission and City Council. The Council at the time wanted all projects over 5,000 square feet to come before them. The rational was that the downtown view was very important, and the Council wanted to make sure that all those projects over 5,000 square feet were approved by them.

Councilmember Cordero asked what the cost savings would be for this project if the Council review was eliminated. He asked if the language could be changed in such a way that if the Zoning Administrator felt the project did not meet all the requirements, it could be brought to the Council without bringing every application over 5,000 square feet to the Council.

Director Appel stated the Zoning Administrator's approval of a Use Permit was $1,109, about half of the permit cost that was charged for Planning Commission and City Council review for this project. There were currently sections in the Code that allowed for the Zoning Administrator to take items he did not feel comfortable with to the Planning Commission. Staff could work something like that into the Downtown Specific Plan.

Mayor Lavagnino suggested Director Appel bring back an item for the Council to discuss changing the Downtown Specific Plan language.

Mayor Lavagnino opened the Public Hearing. Hearing no requests to speak, Mayor Lavagnino closed the Public Hearing.

Resolution No. 2011-39 was adopted approving the request on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2011-39 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DOWNTOWN SPECIFIC PLAN DEVELOPMENT REVIEW CONDITIONAL USE PERMIT FOR THE TESORO EVENT FACILITY, DSPDR-2011-001, E-2011-006, LOCATED AT 506 SOUTH BROADWAY.

ESTABLISHMENT OF A FEE FOR SPECIFIC BUILDING PERMITS AND RECOMMENDATION TO APPROVE NEW FEES FOR THE PLANNING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT, PUBLIC WORKS/ ENGINEERING DIVISION, AND THE CITY ATTORNEY'S OFFICE.

Director of Community Development Appel gave the staff report. The City Council is asked to review a request to approve new fees for several departments. A five percent increase in specific building permit fees is based on additional work required as a result of revisions to various building codes. Planning fees are proposed to cover tasks currently performed by the division where there is no fee. The Public Works and City Attorney fees address work in support of projects processed by the Community Development Department for which there is currently no fee. On March 16, 2010, the City Council previewed the budget for fiscal year 2010-12. Due to an estimated $8 million shortfall for 2010-11 and another $7.8 million anticipated for 2011-12, the City Council authorized staff to explore new fees in the Community Development Department.

Many of the regular functions of current planning are not compensated for by the applicant as they are in other jurisdictions. A fee comparison was made with the County of Santa Barbara, and the Cities of San Luis Obispo, Lompoc, Pismo Beach, Santa Barbara and Buellton. The 2010-11 budget was developed with the Current Planning unit projected to receive 20 percent of its operating budget through recovery of fees. Since a majority of the time is spent processing discretionary permits for private applicants, that means that the City's General Fund is essentially underwriting, or subsidizing, the cost of permit processing for a very small segment of the community. Additionally, the Building Division has been required to provide more detailed plan checking and inspections due to numerous building code revisions and additions involving Accessibility, Energy Codes, and the 2010 California Green Building Code. The Department is recommending the addition of a five percent increase on building permits that require this extra attention. The Public Works/Engineering Division and the City Attorney's Office participate in the development review process of discretionary permits. To date, no fees have been collected from developers or applicants to cover these costs. All services have been covered by the general public through use of the General Fund. The estimated revenue that would be obtained from all these fees is about $205,000. If the fees were not approved, it could mean fewer counter hours and longer processing time for building and planning applications.

To obtain input on the new fees, three workshops were held for the development community on July 8 and August 26, 2010, and March 30, 2011. Comments ranged from understanding and reluctant acceptance of the need for the new fees to some who totally opposed the fees.

Mayor Lavagnino opened the Public Hearing.

Gordon Gill stated Santa Maria had done an outstanding job balancing its budget while still planning and developing the City's infrastructure for its future growth. The City has had to look for new revenue. Development should pay for the services provided. He made several suggestions on how to save money rather than raising these fees such as eliminating three old requirements every time a new requirement came down from the

State and having staff analyze their application processes to save money. He also talked about City staff spending time reviewing plans that were signed by a professional, licensed architect or engineer.

Director Appel stated the Community Development Department charged flat fees no matter how many hours it took to review plans. It was the Department's job to review plans that were submitted and make sure they were accurate. The Department also constantly updated the requirements as codes changed.

Laurie Tamura, Urban Planning Concepts, stated staff gave a compelling presentation on the need for the fees. Everyone was hurting in this economy. Engineers and architects had cut staff. Proposals were half of what they were four years ago. Many developers had left the area. There wasn't any development happening. It was an economy that was substantially different than it was five years ago. The City had good staff, and the City's fees were reasonable. She understood they were minor increases, and the City had to do what it had to do; but she didn't think it was the right time.

Courtney Seeple, The Towbes Group, spoke about their projects in the City. He thanked the Planning staff for their analysis. The one that was really painful was the 5% building plan check fee increase. The fee was charged for each individual house even when there were multiple houses of the same plan. It was not the best time to be increasing fees. Development provided jobs and an economic boost to the community. He understood why the City was doing this, but it was cutting off a source of revenue for the City as well. His company bought locally and employed local contractors. They were having a very difficult time making projects work at this time. He asked the Council to think about the message the City would be sending. There might be many builders who would not go forward with their projects if the fees were approved.

Jerry Bunin, Home Builders Association, stated they really appreciated the City of Santa Maria and its positive attitude toward business and development. The City was the most effective in its outreach and involving the business and building community in its processes. In less troubled times, they would probably be willing to live with the new fees. The City needed developers to start building again. Raising fees would not get that done. The five percent increase in building fees was for things that builders were now required to include in each home at a cost of $2,000 - $4,000 more for green building requirements and $2,000 - $4,000 for new energy efficiency requirements. It would also cost between $5,000 - $10,000 per home for changes in storm water management rules. Employment in construction was down 80 percent. This was the wrong time to raise fees.

Hearing no further requests to speak, Mayor Lavagnino closed the Public Hearing.

City Manager Ness stated the speakers were all very involved in the development community. Today, with the economy, the City was not coming close to covering the costs of processing applications for housing. Once the homes were built, the City did not come close to recovering the costs of providing services to those homes. It was very difficult for cities to raise money. This was one way. The City is not asking for full cost recovery. The City was being challenged to put together a service delivery program that gets more difficult every year. This was a very low level of fees that should have been requested several years ago. Only about 20 percent of the cost of processing permits and applications were paid for by the beneficiaries of the service. Even if the fees were approved, it would only account for about 38 percent of the cost, with the remaining 62 percent being paid by taxpayers. By bringing this request to Council now, the revenue could be included in the 2011-12 budget projections before the budget comes to Council on June 21st.

Councilmember Boysen stated he likened this to a retail store owner who raises prices because sales were down. It didn't make sense. He had a problem making a decision affecting one piece of the General Fund without seeing the entire picture. He said he had analyzed the City's General Fund from 2007 through 2010. In 2007, staff had projected a budget deficit of $1.8 million and actually had a budget surplus of almost $6 million. In 2008, a budget deficit was projected, but there was actually a surplus. The same was true for 2009 and 2010. In all four years, staff projected budget deficits and actually showed budget surpluses according to the audited financial statement. He did

not want management to take it as a criticism. He commended the City Manager, Assistant City Manager, and Department Heads for finding creative and innovative ways of reducing expenses without sacrificing levels of service. He thought this prudent management may give the City the luxury of being cautious for another year with something that would send such a blatant negative message out to the community. He thought it was great that the City was so competitive with its fees. There was never a right time to increase fees; but there was an absolute wrong time to increase fees, and this was the wrong time. He was afraid that increasing the fees would have the opposite effect on the General Fund.

Councilmember Cordero stated when people of this caliber came and spoke, he had to consider what they were saying. He didn't think the City was ever going to get consensus to raise fees. The fees that were proposed were fees for services that the City was not currently charging for. It was difficult because these fees were going to be passed on to the person buying or renting the house. Part of him wanted to approve the fees, but he would have difficulty voting for it because he didn't think it would be as big a bang as estimated due to the negative feedback it would generate.

Councilmember Orach stated the City had been relatively reasonable with its fees. It was a double-edged sword. The new requirements were going to cost developers more money, but it also required more training for City staff and more time reviewing the plans. The General Fund was not growing, and the City is using up its reserves. He asked if developers would prefer the City reduce staff which would increase the time to provide services. The City was out of money. The average taxpayer had been funding these operations for a long time.

Mayor Lavagnino stated he didn't want to be in a position to lay off staff rather than increase fees.

Councilmember Patino stated it was really a problem when the State came down with new mandates without any money to fund them. The City had been so good about paying its bills and running lean. The employees have been fantastic with everything they have done to cut costs. The City had always supported the building industry and the trades. She understood unemployment was very high in the trades. She didn't think this was the time to be raising fees. It was not supporting the people in the City who were unemployed.

City Manager Ness stated his job is to manage the City. He does that by maintaining the fiscal health of the City. Housing loses money for the City every year. New housing cost more money than it brings in. The City could not continue providing the same level of services without additional revenue sources. The City needs more jobs and not more houses. The 2010 census says the City now has 99,533 people. What the census did was acknowledge the true service demand on the City. If the decision of the Council was to not approve the fees, staff would need to take $205,000 out of the budget. What that will do is slow processing time within the building and planning department because of reduction in staff.

Councilmember Boysen stated if the Council turned the fees down, his challenge to the City Manager would be to look at what the real numbers were and could the City afford to provide the same service for another year. The City had exceeded its budget every year. He commended City Manager Ness and his management style, but $205,000 was not a lot of money compared to the total budget. The City was not going broke. It was one of the healthiest cities in California.

City Manager Ness stated the City is facing a multi-million dollar budget deficit. They were not facing a $205,000 deficit. The last thing the City wanted to do was exceed its budget. Staff budgets conservatively every year. These were on-going costs that needed to be addressed. Staff counted on having a fund balance each year to help balance the budget for the next year. Even though this was the normal year to do so, staff made the decision to not look at Growth Mitigation Fees this year in deference to the development community.

Councilmember Orach moved to adopt Resolution No. 2011-40 increasing building fees and establishing new fees for the Community Development Department, Public

Works/Engineering Division, and City Attorney's Office. Mayor Lavagnino seconded the motion. The motion failed on the following vote:

AYES: Councilmembers Orach and Mayor Lavagnino
NOES: Councilmembers Boysen, Cordero, and Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2011-40 failed. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING AND ADJUSTING USER FEES AND CHARGES FOR VARIOUS SERVICES.

A RESOLUTION OF INTENTION AND AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTA MARIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Assistant City Manager Haydon gave the staff report. City Council is asked to consider adoption of a resolution and introduction of an ordinance amending the contract with the Board of Administration of the California Public Employees' Retirement System. Earlier this year, the Council took action to implement a two-tiered lower level retirement plan for all new full-time and part-time employees hired after July 1, 2011. The actions before the Council provides the mechanism for the City to implement the two new retirement plans for sworn and non-sworn employees pursuant to CalPERS guidelines. Under the new plans, all new general (non-sworn) employees hired after July 1, 2011, would be subject to the CalPERS 2% at 55 three year average retirement benefit rather than the 2.7% at 55 single highest year retirement formula that existing general employees receive. All new sworn (public safety) employees hired after July 1, 2011, would have the 3% at 55 three year average retirement benefit rather than the 3% at 50 single highest year benefit for current sworn employees.

Resolution No. 2011-41 was adopted stating the Council's intention to amend the contract with the California Public Employees Retirement System on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2011-41 adopted. RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF SANTA MARIA.

Ordinance No. 2011-04 authorizing an amendment to the CalPERS contract was introduced by title only for first reading and continued to the meeting of May 17, 2011, for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2011-04 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTA MARIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

SIX MONTH REVIEW OF THE "GOOD NEIGHBOR" ORDINANCE.

Assistant City Attorney Sinco gave the staff report. The City Council is asked to receive a six-month status report concerning the operation of the Good Neighbor Ordinance

enacted at the September 7, 2010, City Council meeting and effective on October 7, 2010; consider adoption of a resolution setting a fee to process a Good Neighbor License; and provide direction to staff as to whether and how to allow for waiver of the fee for events sponsored by nonprofit organizations. Since the Good Neighbor Ordinance took effect, the City has processed applications for Good Neighbor Licenses for three different organizations for "itinerant shows."

There has only been one application for a Good Neighbor License for on-going entertainment since the adoption of the Ordinance. With respect to the businesses that had active Entertainment Licenses at the time the Good Neighbor Ordinance took effect, staff decided that the most efficient way to convert them was to wait until the expiration date for the Entertainment License and then issue a Good Neighbor License. If there have not been any changes, nor any requests for changes, staff has no reason to conduct a review prior to issuing the Good Neighbor License, and therefore, no justification for imposing a processing fee.

Section 4-7.03(d) of the Good Neighbor Ordinance provided that the City Council could adopt a resolution establishing a fee for processing an application for a Good Neighbor License. Such processing fees are legally permissible provided the fee does not exceed the cost to provide the service. Staff is proposing a one-time fee in the amount of $338 which would replace the fees historically charged for an Entertainment License, itinerant show permit, and public dance permit. However, there is no provision in the Good Neighbor Ordinance to waive the fee for non-profit organizations which was permitted for an itinerant show permit or public dance permit. Staff recommends that the City Council consider either a reduction or a waiver of the $338 fee for non-profit agencies when adopting the resolution that creates the Good Neighbor License fee.

Resolution No. 2011-42 was adopted establishing a fee of $338 for Good Neighbor Licenses on motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2011-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A FEE FOR PROCESSING APPLICATIONS UNDER THE GOOD NEIGHBOR ORDINANCE.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the May 3, 2011, City Council meeting including nine proclamations, the Annual Measure "A" Program of Projects, and the Quarterly Financial Report for the 3rd Quarter.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Cordero reported he participated in Star testing at El Camino Junior High School, attended a United Way luncheon, met with Rob Burrs of Restorative Justice, attended the graduation for the Listos Spanish Language Emergency Preparedness Class through the Fire Department, the graduation for Drug Court, the Tip-A-Cop Dinner at City Market, the Strawberry Recognition Dinner at the Fairpark, a Future Search meeting, the Community Action Commission Champion Dinner in Solvang, spent an afternoon with retired Judge Jim Jennings, attended the Kite Flying Day at Rotary Centennial Park, the groundbreaking ceremony for Fire Station No. 3 at Preisker Park, and a meeting with Sandy Underwood from Marian Medical Center.

Councilmember Orach reported he attended the Listos Graduation, the All-America City Committee meeting, the LAFCO meeting, and spent Sunday with his two-year old grand-daughter at the Santa Barbara Zoo.

Mayor Lavagnino reported he attended the North County Sub-regional Meeting for SBCAG, the Mayors and Managers luncheon, the Mayors lunch, spoke at Valley Speaks with Jim Glines, attended the Good Samaritan baseball game with Lompoc, the Central Coast Water Authority meeting, the Strawberry Recognition Dinner, took Bailey

Dunin, the essay contest winner, and her parents to lunch at the Country Club, and attended the groundbreaking ceremony for Fire Station No. 3.

Councilmember Patino reported she attended the Listos Graduation, the Code Compliance Board Meeting, and the groundbreaking ceremony for Fire Station No. 3.

Councilmember Boysen reported he helped with the KCOY Food Drive which benefited the Good Samaritan Shelter, attended the Listos Graduation, the groundbreaking for Fire Station No. 3, and met with the Principal at Battles School. He would be asking the City to look at the West Newlove Neighborhood Plan again to see if there was anything the City could do to help that area. He asked if it was possible to get the Council agenda packet a day early on the furlough Friday weeks.

City Manager Ness indicated that any of the Councilmembers were welcome to call him on those furlough Fridays if they had questions about the upcoming agenda.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:45 p.m. by Mayor Lavagnino.

APPROVED

May 3, 2011
Date

Chief Deputy City Clerk and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor